(3)

CF 1002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. (S) NO. 5151 /2006

PETITIONER : 1] Dilip Kumar Mishra, Aged 26 years, S/o. Shri Rajkumar Mishra,

2] Yogeshwari Mishra W/o. Late Shri Prakash Mishra, Aged about 31 years,

3] Umadatta Sahu S/o. Shri Aalakh Ram Sahu, Aged about 33 years,

4] Rohit Kumar Sahu, S/o. Shri Narayan Sahu, Aged about 27 years,

All above R/o. Village Somaikhurd, Post Bargada, Tahsil - Saja, District Durg (CG)

P.R. No. 5180/06 V.A. Sradhan
Presented by 3/9/06
dated

VERSUS

RESPONDENTS : 1] State of Chhattisgarh, Through Secretary, Panchayat and Gramin Vikas Vibhag, D.K.S. Bhawan, Raipur, District Raipur (Chhattisgarh)

2] Collector, Durg, District - Durg (Chhattisgarh)

3] Chief Executive Officer, Janpad Panchayat, Saja, District Durg (Chhattisgarh)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.5151 OF 2006

Petitioners	:	Dilip Kumar Mishra and others
	versus	
Respondents	:	State of Chhattisgarh and others

Present : Mr. V.A.Goverdhan, counsel for the petitioners.
Mr. Somesh Bajaj, Government Advocate for the State/respondents No.1 and 2.
None appears for respondent No.3.

ORDER
(Passed on 21st of September, 2006)

The petitioners applied for appointment to the post of Shiksha Karmi on the basis of applications invited by Janpad Panchayat, Saja. According to the petitioners, they were found fit for interview in the first list. Thereafter, on review, the list was re-prepared. It appears that, after substantially reducing the petitioners' marks on experience, the petitioners did not find place in the second list.

2. Being aggrieved, the petitioners filed a statutory appeal before the Collector on 22-8-2006 (Annexure P-12). In the meantime, Janpad Panchayat initiated the process of reappointment.

SS

3. Be that as it may, the Collector, being statutory appellate authority, is under an obligation to look into grievances of the appeal pending before him before process for appointment of other candidates is initiated.

4. Thus, the Collector – respondent No.2 is directed to decide the statutory appeal dated 22-8-2006 (Annexure P-12), being uninfluenced by any observations made hereinabove, on merit, within a period of two weeks from receipt of a copy of this order.

5. Accordingly, this petition stands disposed of. No order as to costs.

Certified copy be supplied today.

Sd/-
Satish K.Agnihotri
Judge

Gopal

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.5152 OF 2006

Petitioner	:	Yogesh Kumar Sharma
	versus	
Respondents	:	The State Govt. of Chhattisgarh and another

Present : Mr. Somkant Verma, counsel for the petitioner.
Mr. Somesh Bajaj, Government Advocate for the State/respondent No.1.
None appears for respondent No.2.

ORDER
(Passed on 21st of September, 2006)

The petitioner, working as Assistant, has been transferred from Chhattisgarh Grih Nirman Mandal, Division No.1, Kabeer Nagar, Raipur to Project Division, Jashpur by order dated 12-9-2006 (Annexure P-1).

2. At this stage, the only contention of learned counsel for the petitioner is that the petitioner be granted liberty to make a representation before the respondents – authorities raising his health and other problems for reconsideration of his transfer order, to which learned Government Advocate appearing for the State/respondent No.1 has no objection.

3. In the facts and circumstances of the case, the petitioner is granted liberty to make a representation, if so advised, before the appropriate authority. On such representation being made by the petitioner, the appropriate authority shall decide his representation keeping in view humanitarian aspect, on merit, within a period of three weeks from the receipt of the representation.

4. Accordingly, the petition stands dismissed. No order as to costs.

Certified copy as per rules.

Sd/-
Satish K.Agnihotri
Judge

Gopal